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10/661,779	09/11/2003	Hannu Mahonen	915-006.020	7587

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EXAMINER

DEAN, RAYMOND S

ART UNIT PAPER NUMBER

2618

DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/661,779

Applicant(s)

MAHONEN ET AL.

Examiner

Raymond S. Dean

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 2, 4 - 25, 27 - 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 2, 4 - 25, 27 - 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed August 23, 2006 have been fully considered but they are not persuasive.

Lunsford teaches a method comprising: selecting from among a plurality of operational modes available for user selection in a first mobile terminal device one individual operational mode in accordance with at least one received user input to said first mobile terminal device (Column 2 lines 66 – 67, Column 3 lines 1 – 4, lines 17 – 27, standard mode for a typical PDA comprises an organization mode in which a user can conduct calendar functions, appointment functions and other organizing functions, there is also a synchronization mode), said operational modes related to behavior of the first mobile terminal in certain operational situations (Column 2 lines 66 – 67, Column 3 lines 1 – 4, lines 17 – 27, standard mode for a typical PDA comprises an organization mode in which a user can conduct calendar functions, appointment functions and other organizing functions, there is also a synchronization mode); wherein said one selected individual operational mode contains a command to trigger an automated synchronization with a second mobile terminal device (Figure 2, Columns 3 lines 17 – 62, 4 lines 1 – 38); said first mobile terminal device checking availability of said second mobile terminal device for performing said automated synchronization and, if available, said command is triggered in said first mobile terminal device for performing said automated synchronization between said first mobile terminal device and said second

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mobile terminal device in accordance with pre-defined synchronization settings so that synchronization is triggered by said availability (Figure 2, Columns 3 lines 17 – 62, 4 lines 1 – 38, the acceptance of the request by the second mobile terminal implies that the second mobile terminal is available). Applying the broadest reasonable interpretation, Lunsford reads on the claim.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 – 2, 4 – 11, 14 – 25, and 27 – 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Lunsford et al. (US 6,901,434).

Regarding Claim 1, Lunsford teaches a method comprising: selecting from among a plurality of operational modes available for user selection in a first mobile terminal device one individual operational mode in accordance with at least one received user input to said first mobile terminal device (Column 2 lines 66 – 67, Column 3 lines 1 – 4, lines 17 – 27, standard mode for a typical PDA comprises an organization mode in which a user can conduct calendar functions, appointment functions and other

organizing functions, there is also a synchronization mode), said operational modes related to behavior of the first mobile terminal in certain operational situations (Column 2 lines 66 – 67, Column 3 lines 1 – 4, lines 17 – 27, standard mode for a typical PDA comprises an organization mode in which a user can conduct calendar functions, appointment functions and other organizing functions, there is also a synchronization mode); wherein said one selected individual operational mode contains a command to trigger an automated synchronization with a second mobile terminal device (Figure 2, Columns 3 lines 17 – 62, 4 lines 1 – 38); said first mobile terminal device checking availability of said second mobile terminal device for performing said automated synchronization and, if available, said command is triggered in said first mobile terminal device for performing said automated synchronization between said first mobile terminal device and said second mobile terminal device in accordance with pre-defined synchronization settings so that synchronization is triggered by said availability (Figure 2, Columns 3 lines 17 – 62, 4 lines 1 – 38, the acceptance of the request by the second mobile terminal implies that the second mobile terminal is available).

Regarding Claim 17, Lunsford teaches a mobile terminal device having a plurality of operational modes related to behavior of the mobile terminal device in certain operational situations (Column 2 lines 66 – 67, Column 3 lines 1 – 4, lines 17 – 27, standard mode for a typical PDA comprises an organization mode in which a user can conduct calendar functions, appointment functions and other organizing functions, there is also a synchronization mode) comprising: for automated synchronization with another mobile terminal device (Figure 1, Columns: 2 lines 11 – 14, lines 66 – 67, 3

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lines 1 – 4), comprising: at least one actuator for user selection of one operational mode out of said plurality of operational modes (Column 3 lines 17 – 27); a synchronization component for determining if another mobile terminal device is connectable and ready for synchronizing information stored in a data storage (Figure 2, Columns 3 lines 17 – 62, 4 lines 1 – 38, the fact that the second mobile device signals the acceptance to the first mobile device means that the second mobile device is connectable and ready); and a communication interface for exchanging synchronization related information (Figure 1, Column 2 lines 45 – 51); wherein the one selected operational mode includes a command to perform an automated synchronization triggered if said other mobile terminal device is determined to be connectable and ready (Figure 2, Columns 3 lines 17 – 62, 4 lines 1 – 38), and in response to said command, said synchronization component is activated to perform said automated synchronization with said other mobile terminal device via said communication interface so that synchronization is triggered by said availability, and said automated synchronization is performed in accordance with pre-defined synchronization settings (Figure 2, Columns 3 lines 17 – 62, 4 lines 1 – 38, the acceptance of the request by the second mobile terminal implies that the second mobile terminal is available).

Regarding Claim 22, Lunsford teaches a system comprising a first mobile terminal device operable in a plurality of operational modes related to behavior of the mobile terminal device in certain operational situations (Column 2 lines 66 – 67, Column 3 lines 1 – 4, lines 17 – 27, standard mode for a typical PDA comprises an

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organization mode in which a user can conduct calendar functions, appointment functions and other organizing functions, there is also a synchronization mode); at least one actuator for user selection of one operational mode out of the plurality of operational modes (Column 3 lines 17 – 27); a synchronization component of said first mobile terminal device for determining if another mobile terminal device is connectable and ready to synchronize information stored in a data storage (Figure 2, Columns 3 lines 17 – 62, 4 lines 1 – 38, the fact that the second mobile device signals the acceptance to the first mobile device means that the second mobile device is connectable and ready); and a communication interface of said first mobile terminal device for exchanging synchronization related information (Figure 1, Column 2 lines 45 – 51); a second mobile terminal including: a synchronization component of the second mobile terminal for synchronizing of information stored in a data storage (Figure 2, Columns 3 lines 17 – 62, 4 lines 1 – 38); and a communication interface of said second mobile terminal device for exchanging synchronization related information (Figure 1, Column 2 lines 45 – 51); wherein said one selected operational mode of said first terminal contains a command to trigger an automated synchronization if said other mobile device is determined to be connectable and ready to synchronize (Figure 2, Columns 3 lines 17 – 62, 4 lines 1 – 38); wherein said one selected individual mode contains a command to trigger said automated synchronization (Figure 2, Columns 3 lines 17 – 62, 4 lines 1 – 38); wherein said synchronization component of said first terminal device is activated in response to said command if said second terminal device is determined to be connectable and ready to perform said automated

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synchronization with said synchronization component of the second mobile terminal device via said communication interface of said first mobile terminal device and said communication interface of said second mobile terminal device so that synchronization is triggered by said availability (Figure 2, Columns 3 lines 17 – 62, 4 lines 1 – 38, the acceptance of the request by the second mobile terminal implies that the second mobile terminal is available), said automated synchronization is performed in accordance with pre-defined synchronization settings (Figure 2, Columns 3 lines 17 – 62, 4 lines 1 – 38).

Regarding Claim 28, Lunsford teaches an apparatus, comprising: means for selecting in a first mobile terminal device one individual mode in accordance with at least one received user input to said first mobile terminal device wherein said one selected individual mode contains a command to trigger an automated synchronization with a second mobile terminal device (Figure 2, Columns 3 lines 17 – 62, 4 lines 1 – 38, synchronization mode); means for checking availability of said second mobile terminal device for performing said automated synchronization so that said automated synchronization is triggered by said availability (Figure 2, Columns 3 lines 17 – 62, 4 lines 1 – 38, the acceptance of the request by the second mobile terminal implies that the second mobile terminal is available); and means for performing said automated synchronization between said first mobile terminal device and said second mobile terminal device in accordance with pre-defined synchronization settings if said second mobile terminal device is available (Figure 2, Columns 3 lines 17 – 62, 4 lines 1 – 38,

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the acceptance of the request by the second mobile terminal implies that the second mobile terminal is available).

Regarding Claims 2, 18, 23, Lunsford teaches all of the claimed limitations recited in Claims 1, 17, 22. Lunsford further teaches wherein said one selected operational mode contains a further command to switch off said first mobile terminal device; and switching off said first mobile terminal device after completion of said automated synchronization (Column 2 lines 66 – 67, Column 3 lines 1 – 4, typical PDAs comprise buttons to switch said PDAs on and off, a user can switch the PDA off after synchronizing with another PDA).

Regarding Claim 4, Lunsford teaches all of the claimed limitations recited in Claim 1. Lunsford further teaches wherein said one selected individual operational mode comprises activation that triggers an immediate automated synchronization (Column 3 lines 17 – 62, 4 lines 1 – 38).

Regarding Claim 5, Lunsford teaches all of the claimed limitations recited in Claim 1. Lunsford further teaches wherein said selected individual operational mode once deactivated triggers an immediate automated synchronization (Column 2 lines 66 – 67, Column 3 lines 1 – 4, lines 17 – 27, PDAs have a standard mode, which is the mode for standard operations such calendar, appointment, and other organizing functions, when a user desires synchronization there will be a deactivation of the standard mode thus allowing synchronization to take place via the synchronization mode).

Regarding Claim 6, Lunsford teaches all of the claimed limitations recited in Claim 4. Lunsford further teaches wherein said activation comprises switching on said first terminal device (Column 2 lines 66 – 67, Column 3 lines 1 – 4, typical PDAs comprise buttons to switch said PDAs on and off).

Regarding Claim 7, Lunsford teaches all of the claimed limitations recited in Claim 1. Lunsford further teaches wherein said at least one user input triggers a switching on of said first mobile terminal device (Column 2 lines 66 – 67, Column 3 lines 1 – 4, typical PDAs comprise buttons to switch said PDAs on and off).

Regarding Claim 8, Lunsford teaches all of the claimed limitations recited in Claim 1. Lunsford further teaches wherein said at least one user input triggers a switching off of said first mobile terminal device (Column 2 lines 66 – 67, Column 3 lines 1 – 4, typical PDAs comprise buttons to switch said PDAs on and off).

Regarding Claim 9, Lunsford teaches all of the claimed limitations recited in Claim 1. Lunsford further teaches wherein said pre-defined synchronization settings comprise information relating to properties including at least one of a group comprising: information relating to specific data to be synchronized; information relating to specific applications of which data is to be synchronized; information about a type of synchronization; information relating to said second mobile terminal device; authentication information; information relating to a communication connection to be used for synchronization; and information about an environment in which said automated synchronization is to be carried out (Column 3 lines 28 – 40).

Regarding Claim 10, Lunsford teaches all of the claimed limitations recited in Claim 1. Lunsford further teaches wherein said automated synchronization is performed via a local communication connection (Column 2 lines 45 – 51).

Regarding Claims 11, 20, 25, Lunsford teaches all of the claimed limitations recited in Claims 1, 17, 22. Lunsford further teaches wherein said automated synchronization is performed in a device-to-device manner (Figure 1).

Regarding Claim 14, Lunsford teaches all of the claimed limitations recited in Claim 1. Lunsford further teaches a software tool for automated synchronization between a first mobile terminal device and a second mobile terminal device, comprising a computer program for carrying out the method of claim 1, when said program is executed on a processing device (Column 2 lines 66 – 67, Column 3 lines 1 – 4, typical PDAs comprise processors that run program instructions or code thus enabling said PDAs to conduct various functions such as the synchronization function).

Regarding Claim 15, Lunsford teaches all of the claimed limitations recited in Claim 1. Lunsford further teaches a computer program product for automated synchronization between a first terminal mobile device and a second mobile terminal device, comprising program code stored on a computer readable medium for carrying out the method of claim 1, when said computer program is executed on a processing device (Column 2 lines 66 – 67, Column 3 lines 1 – 4, typical PDAs comprise processors that run program instructions or code thus enabling said PDAs to conduct various functions such as the synchronization function).

Regarding Claim 16, Lunsford teaches all of the claimed limitations recited in Claim 1. Lunsford further teaches a computer program product for automated synchronization between a first terminal mobile device and a second mobile terminal device, wherein said computer program product comprises program code stored on a computer readable medium for carrying out the method of claim 1, when said computer program product is executed on a processing device (Column 2 lines 66 – 67, Column 3 lines 1 – 4, typical PDAs comprise processors that run program instructions or code thus enabling said PDAs to conduct various functions such as the synchronization function, said program instructions are stored in memory which is a computer readable medium).

Regarding Claims 19, 24, Lunsford teaches all of the claimed limitations recited in Claims 17, 22. Lunsford further teaches an actuator comprising a power on/off actuator for triggering a switching on and a switching off of said mobile terminal device (Column 2 lines 66 – 67, Column 3 lines 1 – 4, typical PDAs comprise buttons to switch said PDAs on and off).

Regarding Claims 21, 27, Lunsford teaches all of the claimed limitations recited in Claims 17, 22. Lunsford further teaches receiving at least one user input (Column 3 lines 17 – 27); selecting said one operational mode in accordance with said user selection (Column 3 lines 17 – 27, synchronization mode); wherein said one selected operational mode contains a command to trigger said automated synchronization (Figure 2, Columns 3 lines 17 – 62, 4 lines 1 – 38); and performing said automated synchronization between said first mobile terminal device and said other mobile terminal

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device in accordance with pre-defined synchronization settings (Figure 2, Columns 3 lines 17 – 62, 4 lines 1 – 38).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lunsford et al. (US 6,901,434) in view of Hepper et al. (US 2003/0220966).

Regarding Claim 12, Lunsford teaches all of the claimed limitations recited in Claim 1. Lunsford does not teach wherein said automated synchronization is based on a synchronization markup language (SyncML) standard.

Hepper teaches synchronization based on a synchronization markup language (SyncML) standard (Section 0024 lines 1 – 8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the SyncML standard of Hepper in the system of Lunsford as an alternative means for providing synchronization thus providing a transport protocol for synchronization that is independent of the transport protocol.

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6. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lunsford et al. (US 6,901,434) in view of Oh et al. (US 6,865,400).

Regarding Claim 13, Lunsford teaches all of the claimed limitations recited in Claim 1. Lunsford does not teach wherein said first mobile terminal device is a cellular communication device.

Oh teaches a mobile terminal device that is a cellular communication device (Column 3 lines 9 – 11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the PDA of Lunsford with the cellular phone circuitry of Oh for the purpose of providing a versatile multifunctional mobile device with diverse modes as taught by Oh.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

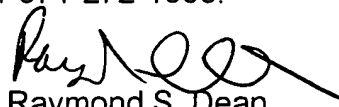
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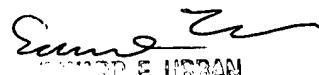
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond S. Dean whose telephone number is 571-272-7877. The examiner can normally be reached on Monday-Friday 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Raymond S. Dean
November 14, 2006


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